

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 277

H.P. 218

House of Representatives, January 27, 1995

**An Act to Suspend Driver's Licenses of Students under the Age of 18
Who Drop Out of High School.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOYNER of Hollis.
Cosponsored by Representatives: AHEARNE of Madawaska, AULT of Wayne, BUCK of Yarmouth, CARLETON of Wells, JOY of Crystal, MAYO of Bath, McALEVEY of Waterboro, NASS of Acton, REED of Falmouth, SIMONEAU of Thomaston, TUFTS of Stockton Springs, Senator: BUTLAND of Cumberland.

Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1. 20-A MRSA §1001, sub-§15** is enacted to read:

4 15. Report to Secretary of State. They shall notify the
6 Department of the Secretary of State of a student's withdrawal
8 from school.

10 **Sec. 2. 20-A MRSA §5105** is enacted to read:

12 §5105. School attendance as condition of issuance of driver's
14 license

14 1. Denial of license. In accordance with Title 29-A,
16 section 2472, subsection 2-A, the Department of the Secretary of
18 State, Division of Motor Vehicles shall deny a license or
20 instruction permit for the operation of a motor vehicle to any
22 person under the age of 18 who does not at the time of
application present a diploma or other certificate of graduation
issued to the person from a secondary school of this State or any
other state, or documentation that the person is:

24 A. Enrolled and making satisfactory progress in a course
26 leading to a general educational development certificate
from a state-approved institution or organization, or has
obtained such a certificate;

28 B. Enrolled in a secondary school of this State or any
other state;

30 C. Excused from presenting a diploma, certificate or other
32 documentation required by this subsection due to
circumstances beyond the person's control;

34 D. Enrolled in a home education program and satisfies the
36 requirements of section 5001-A. Students must be in
compliance with the requirements of this section and have
38 been enrolled in the home education program for at least one
school year prior to verification of attendance under
40 subsection 2, unless documentation of meeting the
42 requirements of this section in the school year immediately
preceding enrollment in the home education program can be
provided;

44 E. Enrolled in a postsecondary vocational program or a
46 postsecondary adult vocational program and satisfies
relevant attendance requirements;

48 F. Enrolled in a job training program pursuant to Title 26,
50 chapter 25, subchapter II and satisfies relevant attendance
requirements; or

52

2 G. Enrolled in other educational activities approved by the
3 school board and satisfies relevant attendance requirements.

4 2. Verification; intervention. An applicant shall provide
5 written verification of compliance with the requirements of
6 subsection 1 or receipt of a waiver pursuant to subsection 4 to
7 the Department of the Secretary of State. The verification must
8 be obtained from the school board. If the applicant is enrolled
9 in or has graduated from a private high school, verification must
10 be obtained by the applicant from the governing body of the
11 private school. A school board may not refuse to provide written
12 verification of compliance with the requirements of this section
13 to the Department of the Secretary of State. Schools may
14 implement interventions designed to improve student attendance in
15 accordance with their district policies and procedures.

16 3. Restricted license. When applying for a restricted
17 license, an applicant must provide written verification to the
18 Department of the Secretary of State of compliance with the
19 requirements of subsection 1 or receipt of a waiver pursuant to
20 subsection 4. Written verification must be obtained from the
21 applicant's school. The applicant's school may not refuse to
22 provide written verification of compliance with the requirements
23 of this section to the Department of the Secretary of State.

24 4. Notification of intent to suspend; initial review;
25 notice to Secretary of State; hardship waiver. A public school
26 principal, or the principal's designee, or the designee of the
27 governing body of a private school shall provide written
28 notification to a minor and the minor's parent or guardian of the
29 school district's intent to request that the Department of the
30 Secretary of State suspend the minor's driving privileges because
31 the minor has dropped out of school, as defined in section 5102,
32 and has failed to comply with the requirements of subsection 1.

33 The minor or the parent or guardian of the minor has 15 calendar
34 days from the date of receipt of this notice to request a hearing
35 before the public school principal, or the principal's designee,
36 or the designee of the governing body of a private school for the
37 purpose of reviewing the pending suspension. The hearing must be
38 conducted within 30 calendar days after the public school
39 principal, or the principal's designee, or the designee of the
40 governing body of a private school receives the request.

41 The public school principal, or the principal's designee, or the
42 designee of the governing body of a private school shall waive
43 the requirements of subsection 1 for any minor under its
44 jurisdiction for whom a personal or family hardship requires that
45 the minor have a driver's license for the minor's own or the
46 minor's family's employment or medical care. The public school
47 principal, or the principal's designee, or the designee of the
48 principal, or the principal's designee, or the designee of the
49 principal, or the principal's designee, or the designee of the
50 principal, or the principal's designee, or the designee of the

2 governing body of a private school shall take into consideration
3 the recommendations of teachers, other school officials, guidance
4 counselors or academic advisors prior to granting a waiver to the
5 requirements of subsection 1.

6 The hardship waiver provided in this subsection must be requested
7 by the minor or the minor's parent or guardian at the initial
8 hearing provided in this subsection. Additionally, the minor or
9 the minor's parent or guardian shall present other evidence that
10 indicates compliance with requirements of subsection 1 at the
11 initial hearing.

12
13 **5. Appeal.** A person denied a hardship waiver by a public
14 school principal, or the principal's designee, or the designee of
15 the governing body of a private school may appeal the decision to
16 the school board or the governing body of the private school.

17 **6. Notice to Secretary of State.** The public school
18 principal, or the principal's designee, or the designee of the
19 governing body of a private school shall notify the Secretary of
20 State of a student's withdrawal from school. Upon receipt of
21 that notification, the Secretary of State shall suspend the
22 student's driver's license.

23
24 **7. Reinstatement.** Upon receiving written verification that
25 the minor is again in compliance with the requirements of
26 subsection 1, the Department of the Secretary of State shall
27 reinstate the minor's privilege to drive. If, after
28 reinstatement, the school district determines that the minor is
29 not in compliance with the requirements of subsection 1, the
30 Department of the Secretary of State shall suspend the minor's
31 driving privilege until the minor is 18 years old, or otherwise
32 satisfies the requirements of subsection 1, whichever occurs
33 first.

34
35 **8. Reporting and accountability.** The Department of the
36 Secretary of State shall report quarterly to each school district
37 the disposition of all requests to suspend driver's licenses.

38
39 Beginning with the 1996-97 school year, each school shall report,
40 pursuant to section 1001, the number of:

41
42 **A. Driver's license eligibility forms issued;**

43
44 **B. Notifications issued of possible student driver's**
45 **license suspensions based on nonattendance;**

46
47 **C. Requests to the Department of the Secretary of State to**
48 **suspend a driver's license; and**

49
50 **D. Student driver's licenses actually suspended.**
51
52

2 **Sec. 3. 29-A MRSA §2472, sub-§2-A** is enacted to read:

4 **2-A. Student nonenrollment and nonattendance; nonissuance**
6 **or suspension of driver's license. The Division of Motor**
8 **Vehicles may refuse to issue a driver's license or may suspend a**
 previously issued driver's license to persons under the age of 18
 pursuant to Title 20-A, section 5105.

10 **STATEMENT OF FACT**

12 The purpose of this bill is to give the Department of the
14 Secretary of State, Division of Motor Vehicles the right to
 revoke the license of a high school dropout.